

FAZZIO LAW OFFICES

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Attorneys for Plaintiffs,

Costamar Travel Cruise & Tours, Inc.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

COSTAMAR TRAVEL CRUISE & TOURS, INC.

Plaintiff,

v.

NYDIA PENA and GEORGE CLAVIJO,

Defendants.

No. 3:23-cv-3995

**DECLARATION IN SUPPORT OF
PLAINTIFFS' REQUEST FOR
CLERK'S CERTIFICATE OF
DEFAULT**

I, John P. Fazzio, Esq., an attorney admitted to practice before this Court, hereby declare under penalty of perjury:

1. I am an attorney with the law firm Fazzio Law Offices, LLC, attorneys for Plaintiffs Costamar Travel Cruise & Tours, Inc. ("Plaintiffs") in the above-captioned action.

2. I submit this Declaration in support of Plaintiffs' Request for a Clerk's Certificate of Default against Defendants NYDIA PENA and GEORGE CLAVIJO.

3. Plaintiffs commenced this action by way of Summons and Complaint on July 26, 2023. *See* Doc. #s 1, 2 and 3.

4. The Summons and Complaint and Civil Cover Sheet, were properly served on Defendant NYDIA PENA on August 28, 2023. An affidavit attesting to this service was filed on this Court's Docket. *See* Doc. # 4.

5. Specifically, pursuant to Rule 4(c), Plaintiff's process server personally served the above-referenced documents on NYDIA PENA at her residence and domicile at 52 Throckmorton Street, Freehold, NJ 07728.

6. More than twenty-one days have elapsed since service was effected and Defendant NYDIA PENA has not answered, moved, or otherwise responded to the Complaint.

7. Defendant NYDIA PENA has not appeared in this action or requested or been granted any extension of time to respond to the Complaint.

8. Defendant NYDIA PENA is not an infant, incompetent, or in the military.

9. For these reasons, Plaintiff respectfully requests that the Clerk enter a default against Defendant NYDIA PENA. A proposed Clerk's Certificate of Default is attached as Exhibit 1.

10. The Summons and Complaint and Civil Cover Sheet, were properly served on Defendant GEORGE CLAVIJO on August 28, 2023. An affidavit attesting to this service was filed on this Court's Docket. *See* Doc. # 5.

11. Specifically, pursuant to Rule 4(c), Plaintiff's process server personally served the above-referenced documents on GEORGE CLAVIJO at his residence and domicile at 2791 Hooper Avenue, #210, Brick, NJ 08723.

12. More than twenty-one days have elapsed since service was effected and Defendant GEORGE CLAVIJO has not answered, moved, or otherwise responded to the Complaint.

13. Defendant GEORGE CLAVIJO has not appeared in this action or requested or been granted any extension of time to respond to the Complaint.

14. Defendant GEORGE CLAVIJO is not an infant, incompetent, or in the military.

15. For these reasons, Plaintiff respectfully requests that the Clerk enter a default against Defendant GEORGE CLAVIJO. A proposed Clerk's Certificate of Default is attached as Exhibit

2.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

FAZZIO LAW OFFICES
Attorneys for Respondents

By: /s/ John P. Fazio
JOHN P. FAZZIO, ESQ

Dated: November 28, 2023